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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,486	07/19/2002	Gary Ditlow	BUR920010149	2900

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IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
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ESSEX JUNCTION, VT 05452

EXAMINER

PHAN, THAI Q

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,486

Applicant(s)

DITLOW ET AL.

Examiner

Thai Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to patent application S/N: 10/064,486, filed on 07/19/2002. Claims 1-24 are pending in the action.

Information Disclosure Statement

The IDS statement filed on 07/30/2002 has been considered.

Drawings

The drawings filed on 07/19/2005 are acceptable for consideration.

Specification

The disclosure is objected to because of the following informalities:

It is unclear for the expression in paragraphs: [0044], [0046], [0050]-[0052], [0067], [0073], [0081]. Appropriate correction is required. Applicant is remind the text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

The attempt to incorporate subject matter into this application by reference to a prior patent application 09/943,824 (see page 9) is ineffective because they are not related to each other. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the processors" in line 7. There is insufficient antecedent basis for this limitation in the claim. Similarly, claim 17 also recites such feature. Claim 17 is rejected in like manner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Douceur et al, US patent application publication no. 2002/0143979 A1.

As per claim 1, Douceur anticipates a method and system for managing memory requirement in a computing infrastructure with feature limitations very identical to the

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claimed invention. According to Douceur, the data scheduling method for demand includes steps

Inputting a model or application and initializing a computation domain,

Calculating a data requirement or density for each computation system in the infrastructure,

Calculating demand cost for each computation domains,

Minimizing demand cost, and generating data ownerships and frame file based on demand cost ([0086]-[0151]).

As per claim 2, Douceur anticipates a plurality of physical systems in the computing environment.

As per claims 3-8, Douceur anticipates computation domains, geographical subdomains, space coordinates as claimed (Figs. 4-7).

As per claim 9, Douceur anticipates a method and system for managing memory requirement in a computing infrastructure with feature limitations very identical to the claimed invention. According to Douceur, the system for data scheduling for demands includes means for

Inputting a model or application and initializing a computation domain,

Calculating a data requirement or density for each computation system in the infrastructure,

Calculating demand cost for each computation domains,

Minimizing demand cost, and generating data ownerships and frame file based on demand cost ([0086]-[0151]).

Due to cited features in claims 10-16 similarity to claims 2-8 above, claims 10-16 are also rejected in like manner.

As per claims 17-24, claims 17-24 are directed to a signal bearing medium tangibly embodying a program of a machine readable instructions executable by a digital processing system (apparatus) with similar features as cited in claims 1-16 above, claims 17-24. Claims 17-24 are also rejected in like manner.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 5,146,589, issued to Peet et al, on Sept. 1992
2. US patent no. 6,003,029, issued to Agrawal et al, on Dec. 1999
3. US patent no. 6,230,200, issued to Forecast et al, on May 2001
4. US patent no. 6,633,882, issued to Fayyad et al, on Oct. 2002
5. US patent application publication no. 2002/0004913, to Fung, Henry, on Jan. 2002
6. US patent publication no. 2003/0078955, issued to Ditlow et al, on Apr. 2003

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Q. Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aug. 07, 2005



Thai Phan
Patent Examiner
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